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SYNOPSIS:

During a domestic violence investigation, Officers got into a foot pursuit with subjects thought to be involved. During the foot pursuit, an officer fired his service weapon at o of the suspects. Both suspects were taken into custody and determined to be uninjured. An illegal knife and syringe was located on one of the suspects. Both suspects were arrested and booked into Juvenile Hall. No one was injured by the shot fired.

EVIDENCE:

Refer to Detective Christian's supplemental for listed evidence and chain of custody.

NARRATIVE:

On 06-06-2015, Senior Officer Christian and I responded to 638 Cherry Ln #G in regards to a domestic violence call. While outside with the victim, Senior Officer Christian observed two subjects walking towards us and then run away. Believing they may be parties involved in the domestic violence incident, Senior Officer Christian and I chased the subjects until losing sight of them. I eventually relocated the subjects on the east side of the residence at 607 Cherry Ln.

One of the subjects, identified as Manual Palacios Jr, gave up upon me seeing him. I chased the second subject, identified as Juan "Toni" Sillas, around the back of 607 Cherry Ln. I lost sight of Sillas as he rounded to the front of the house on the west side. Before I could make my way to the front of the residence, I heard one gunshot coming from the front of 607 Cherry Ln.

As I made my way back to the front, I asked Senior Officer Christian if there were shots fired. He stated that there were.

I located Palacios lying face down in the driveway in front of the garage door of 607 Cherry Ln. I checked Palacios for injuries and weapons with negative findings. I detained and handcuffed Palacios. Senior Officer Christian was standing over Sillas who was lying face down at the edge of the driveway. Senior Officer Christian had his firearm pointed at Sillas. I checked Palacios for injuries, but he had none. I located an unsheathed fixed blade knife and a hypodermic syringe concealed on Sillas' person. I detained and handcuffed Palacios. A Hall ambulance paramedic responded to the scene and determined both Palacios and Sillas to be uninjured.

A crime scene was taped off and a scene log was started.

I checked all of the residences in the background/line of fire for parties possibly injured from

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220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
NARRATIVE

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the gun shot, but all subjects were uninjured. I questioned potential witnesses in the area.

The area of the bullet impact was located, but the round was not. Additional evidence was located and taken into custody.

Palacios was arrested for PC 148(A)(1)-delaying/resisting and officer. Sillas was arrested for PC 148(A)(1), PC 21310 and HS 11364.1(a). They were transported and booked into Juvenile Hall.

Refer to supplemental reports regarding additional investigations conducted by myself and other officers.

DISPOSITION:

Cleared by juvenile arrests.

Forward to the District Attorney's Office for prosecution.

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**SYNOPSIS:**

This report will document the investigation involving the use of force by Senior Officer Michael Christian and seizure of related evidenced.

PHYSICAL EVIDENCE:

Item #100: Smith and Wesson .40 caliber shell casing located approximately 54 feet 2 inches east of light pole # 2338043E and approximately 14 feet 4 inches south of the southern curb line of Cherry Lane by Detective Dunham

Item #101: Metal Camel tobacco tin containing approximately 0.5 grams of marijuana located sitting on top miscellaneous debris north of trash can near the south east corner of the residence, 607 Cherry Lane by Detective Dunham

Item #102: Ridge Runner folding knife with 3 ¼ inch blade located underneath trash can near the south east corner of the residence, 607 Cherry Lane by Detective Dunham

Item #103: One (1) unopened 12 ounce can of Corona Lite (beer) located on the ground near trash can on the south east corner of the residence, 607 Cherry Lane by Detective Dunham

Item #104: Black wallet containing identifying information for Manual Larry Palacios Jr. located on the curb directly in front of (south) 607 Cherry Lane by Detective Dunham

Item #105: Black flashlight located in the left front pants pocket of Manual Larry Palacios Jr by Officer Adams

Item #106: One (1) unopened 12 ounce can of Corona Lite (beer) located in right front pants pocket of Manual Larry Palacios Jr. by Officer Adams

Item #107: One (1) empty Corona Lite 12 pack cardboard box located on the curb directly in front of (south) 607 Cherry Lane by Detective Dunham

Item #108: One (1) Black Berry (white in color) cellular telephone (Serial# PRD-40596-001 Model# RDM71UW) located on Juan Antonio Sillas' person by Officer Adams

Item #109: One (1) iPhone (white in color) cellular telephone (Serial# Unknown Model# Unknown) located on Juan Antonio Sillas' person by Officer Adams

Item #110: Three (3) miscellaneous charging cords located on Juan Antonio Sillas' person by Officer Adams

Item #111: Broken Bell bicycle light located on Juan Antonio Sillas' person by Officer Adams

Item #112: One (1) empty used hypodermic needle located on Juan Antonio Sillas' person by Officer

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Adams

Item #113: One (1) black cellular telephone missing back cover (Serial# 014068003271468 Model# Unknown) located on Juan Antonio Sillas' person by Officer Adams

Item #114: One (1) black rubber cellular telephone cover located near the east fence line of 607 Cherry Lane by Detective Dunham

Item #115: One (1) pair of black earphone located sitting on top miscellaneous debris north of trash can near the south east corner of the residence, 607 Cherry Lane by Detective Dunham

Item #116: One (1) all black baseball cap with the letter "T" on the front located near the Saturn SUV parked in the driveway of 607 Cherry Lane by Detective Dunham

Item #117: One (1) black baseball cap with the letter "T" (white in color) on the front located in the front yard of 607 Cherry Lane by Detective Dunham

Item #118: One (1) black Huawei cellular telephone (Serial# D5V0214B10002207 Model# H871G) located lying in the grass between apartment building in the Cherry Lane apartment complex by Officer Arebalo

Item #200: One (1) black and chrome fixed blade knife with 6 inch blade located concealed in Juan Antonio Sillas' left cargo pocket by Officer Adams

Item #300: One (1) Glock Model 22 .40 caliber semi-automatic pistol (Serial# KXD830) with Surefire rail light (operable) recovered from Senior Officer Christian by Officer Adams

Item #301: One (1) 15 round capacity Glock magazine removed from item #300 by Officer Adams

Item #302: Fifteen (15) .40 caliber Winchester bullets (unfired) removed from item #301 by Officer Adams

Item #303: One (1) 15 round capacity Glock magazine removed from Senior Officer Christian's duty belt by Officer Adams

Item #304: Fifteen (15) .40 caliber Winchester bullets (unfired) removed from item #303 by Officer Adams

Item #305: One (1) 15 round capacity Glock magazine removed from Senior Officer Christian's duty belt by Officer Adams

Item #306: Fifteen (15) .40 caliber Winchester bullets (unfired) removed from item #305 by Officer Adams

Item #307: One (1) 15 round capacity Glock magazine removed from Senior Officer Christian's duty uniform pocket by Officer Adams

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Item #308: Fifteen (15) .40 caliber Winchester bullets (unfired) removed from item #307 by Officer Adams

Item #400: CD containing first audio interview with Officer Adams

Item #401: CD containing audio interview with Janus Lynn Sundberg

Item #402: DVD containing video interview with Juan Antonio Sillas

Item #403: CD containing second audio interview with Officer Adams

Item #404: CD containing second interview with Janus Lynn Sundberg

CHAIN OF EVIDENCE:

The above listed items were seized by the indicated officers. All of the items were subsequently booked into the Tehachapi Police Department's Property Room as evidence.

OFFICERS INVOLVED:

Sergeant Brown ID# 935: assisted in this investigation and was the supervising officer

Senior Officer Christian ID# 933: fired his duty weapon while foot pursuing two suspects

Officer Adams ID# 946: assisted in this investigation, authored a supplemental report and collected evidence

Officer Boston ID# 945: assisted in this investigation

Officer Arebalo ID# 932 assisted in this investigation

Officer Horning ID# 942 assisted in this investigation

Halls Paramedic Cook assisted in this investigation and checked both suspects for wounds

Union Pacific Police Officer Lee Henning assisted in maintaining the crime scene

Kern County Sheriff's Deputy Flores arrived on scene and provided Officer Adams assistance

Kern County Sheriff's Deputy Patton arrived on scene and provided Officer Adams assistance

Bear Valley Police Officer Kiser arrived on scene and provided Officer Adams assistance

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DETAILS:

On June 6, 2015 at approximately 0415 hours, I was contacted by Officer Horning who advised an Officer involved Shooting had occurred and it involved one of our officers firing their department issued firearm. I obtained additional information from dispatch and responded to the scene which was in the 600 block of Cherry Lane in the City of Tehachapi. It was related that the shooting occurred at approximately 0330 hours.

Upon arrival, I was briefed of the circumstances by Officer Adams. Officer Adams told me earlier this date, he and Senior Officer Christian were dispatched to Myriah Mulkern's apartment, located at 638 Cherry Lane Apartment G regarding a battery investigation. Officer Adams told me upon arrival, Ms. Mulkern alleged her boyfriend, known as Nicholas Martinez had physically assaulted her and had also thrown hot wax on her. Officer Adams told me Mr. Martinez was not at the apartment when he and Senior Officer Christian arrived and had fled the apartment prior to their arrival.

Officer Adams stated Ms. Mulkern identified two juveniles who fled with Mr. Martinez as being 17 year old Juan Antonia Sillas and 17 year old Manual Larry Palacios Jr. Ms. Mulkern stated she believed the three had ingested methamphetamine prior to officer's arrival. ***Refer to Officer Adams criminal investigative report bearing report number 15-06-0712 for additional information.***

Officer Adams stated he and Senior Officer Christian completed their investigation at Ms. Mulkern's apartment and left. Officer Adams stated he and Senior Officer Christian later returned to Ms. Mulkern's apartment to provide her with Marsy's Law and confidentiality information. While speaking to Ms. Mulkern, Officer Adams told me Senior

Officer Christian observed two subjects, later identified as Mr. Sillas and Mr. Palacios Jr. approaching their location. At some point, Mr. Sillas and Mr. Palacios Jr. started to flee the area on foot. Officer Adams told me he and Senior Officer Christian began pursuing Mr. Sillas and Mr. Palacios Jr. on foot.

Officer Adams stated he started to run north from Ms. Mulkern's apartment towards Cherry Lane, as Senior Officer Christian ran north through the middle of the apartment complex. Officer Adams stated he arrived at Cherry Lane then proceeded eastbound on Cherry Lane. Officer Adams stated he observed subjects in the yard of 607 Cherry Lane and started to approach their location. Officer Adams stated he and noticed Mr. Palacios Jr. was attempting to hide from him near the south east corner of the residence. Officer Adams stated as he got closer to the location where Mr. Palacios Jr. was located, he saw someone running near the rear of the residence at 607 Cherry Lane.

Officer Adams stated he approached Mr. Palacios Jr. and instructed him to lie on the ground and not move. Officer Adams stated he started to run after Mr. Sillas through the back yard of 607 Cherry Lane. Officer Adams told me he identified himself as a police officer and had also yelled at him to stop running.

Officer Adams stated he approached the west portion of the property and realized that Mr. Sillas had ran around the residence and was now located in the front yard of the property. Officer Adams stated then he heard the sound of a gunshot. Officer Adams stated he ran back east and then south to the

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front of the residence where he located Mr. Palacios Jr. lying face down prone out in the driveway, near a parked SUV. Officer Adams stated he then saw Mr. Sillas lying face down prone out near the curb-line and driveway directly in front of the residence at 607 Cherry Lane. Officer Adams stated he could hear Senior Officer Christian telling Mr. Sillas something to effect of, that's how you get shot.

Officer Adams stated Mr. Sillas and Mr. Palacios Jr. were handcuffed and arrested. Officer Adams stated he visually checked Mr. Sillas and Mr. Palacios Jr. for injuries. Neither had any gunshot wounds and both Mr. Sillas and Mr. Palacios Jr. verbally indicated they had not been shot.

Officer Adams stated he made the proper notifications, requested additional officers, dispatched EMS, secured the scene with crime scene tape and initiated a crime scene log.

Officer Adams stated both Mr. Sillas and Mr. Palacios Jr. were searched incident to their arrest. In Mr. Sillas' left front cargo pocket, Officer Adams located a black and chrome fixed blade knife that did not have a sheath. Officer Adams told me the knife's blade was over 5 inches in length and that the knife was concealed in Mr. Sillas' cargo pocket with the flap being Velcro-d down; preventing the knife from being seen. Officer Adams stated he secured the knife as evidence. Officer Adams told me he also located a used hypodermic needle and several cellphones in Mr. Sillas' possession. Mr. Palacios Jr. was found to possess an unopened can of Corona Beer and later a small amount of marijuana near the area where he was initially contacted by Officer Adams.

Officer Adams stated Kern County Fire Department arrived on scene as did Halls Ambulance. Both Mr. Sillas and Mr. Palacios Jr. were checked for gunshot wounds. Neither were found to have any wounds or injuries. Both suspects were later transferred to the Tehachapi Police Department.

Officer Adams stated officers and deputies arrived to provide assistance and he was able to locate the shell casing which was fired from Senior Officer Christian's firearm. Officer Adams stated he marked the location of the casing with spray paint and left it in the location that he found it.

Officer Adams subsequently made contact with the residents at 609 Cherry Lane, 607 Cherry Lane and 915 Oakwood Street. He advised that none of the resident observed the shooting but the resident at 607 Cherry Lane, who he identified as Ms. Sundberg told him she heard commotion outside of her residence and described the commotion as people running. Ms. Sundberg told Officer Adams she exited her residence and observed Mr. Sillas running eastbound through her front yard. Ms. Sundberg did not see Senior Officer Christian fire his firearm nor did she claim any injury.

Officer Adams stated he checked the property at 607 Cherry Lane in an attempt to locate the round fired by Senior Officer Christian however; he met with negative results. Officer Adams told me Senior Officer Christian was eventually taken to the police department. He told me he took possession of Senior Officer Christian's firearm and 4 magazines. Officer Adams stated he counted the rounds and found there were 60 rounds. Officer Adams stated Senior Officer Christian told him he kept 15 rounds in each of his magazines and one chambered in his firearm. The round count was consistent with what Officer Adams was told. Officer Adams gave me Senior Officer Christian's firearm, magazines and rounds which I secured in my vehicle. I later booked the items as evidence after conducting a round

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count. I counted 60 rounds. **Refer to the attached photographs for additional information.**

I concluded my briefing with Officer Adams and briefly spoke with Special Agent Henning. Special Agent Henning advised that he responded to assist after hearing the radio traffic of shots being fired. Special Agent Henning stayed and assisted with maintaining the crime scene while I searched and took photographs. During this time, I directed Officer Horning and Officer Boston to check the properties north of the crime scene for any outstanding subject, such as Mr. Martinez. No one was located.

Officer Adams showed me where he chased Mr. Sillas and Mr. Palacios Jr. and where they were located when the shot was fired. I took several measurements using a roll a tape and have listed the measurements below. **All measurements initiated from power pole # 2338043E which is located on the south side of Cherry Lane, directly south of 609 Cherry Lane. Refer to sketch for additional information.**

I located the shell casing ejected from Senior Officer Christian's firearm approximately 54 feet 2 inches east and 17 feet 4 inches south of the power pole. In the photographs, the shell casing was assigned the number 1.

I located the area where Mr. Sillas was prone out to be approximately 40 feet 1 inch north and 55 feet 2 inches east of the power pole. Mr. Sillas location was assigned the number 2.

I located the area where Mr. Palacios Jr. was prone out to be approximately 3 feet east of number 2 and approximately 70 feet 1 inch north of the southern curb-line of Cherry Lane.

Last, I located the area where Senior Officer Christian's bullet entered the residence at 607 Cherry Lane. I found the entrance was approximately 103 feet 8 inches north of number 1.

On top of the roof of 607 Cherry Lane, I located where I believed the bullet entered the residence. I removed some of the asphalt roof tiles and located a hole that was consistent with the size of a .40 caliber bullet. Based on the direction (north) in which Senior Officer Christian fired, the fresh damage to the asphalt tiles, the hole on the roof, the fact that the home owner (Ms. Sundberg) indicated there was no damage to her roof prior to the shooting and neither of the suspects were struck, I determined this was the location Senior Officer Christian's bullet entered the residence.

Ms. Sundberg gave officers permission to enter her residence and look for the bullet. I entered the addit of the residence and took photographs of the entrance hole. I sifted through the insulation in the immediate area near the hole however; I was unsuccessful in locating the bullet. The bullet did not appear to have entered the interior living space of the residence. No holes or bullets were located or claimed to have existed when officers were present. It should be noted that the insulation in the addit contained several roofing nails, dried tar and dirt from being re-roofed, which made it hard to locate the bullet.

After obtaining measurements and taking photographs, I seized several items from the crime scene

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which have been listed in the evidence section in this report.

While on scene, Mr. Palacios Jr's father Manual Larry Palacios Sr. arrived and asked me if his son was hurt. Mr. Palacios Sr. stated he heard there was a shooting and he was concerned for his son. I advised Mr. Palacios Sr. that his son was not injured, that a shooting did occur and his son was under arrest for fleeing from law enforcement and possessing marijuana. Mr. Palacios Sr. told me that he was glad his son was being arrested and he believed his son may have been using drugs and hanging out with undesirable friends of which he did not approve. Mr. Palacios Sr. also indicated that some of his son friends claimed to have, or had accesses to firearms and that he told his son he did not want him hanging around these friends. Mr. Palacios Sr. stated he believed one of the friends was a white male juvenile from Bear Valley. He was only able to provide a possible name of Jacob. I concluded my conversation with Mr. Palacios Sr. and advised him that he would likely be contacted by an officer at juvenile hall.

I later obtained a recorded first statement from Officer Adams. Officer Adams essentially related the same information as he had when I arrived on scene. He explained how he and Senior Officer Christian were investigating the domestic violence call between Ms. Mulkern and Mr. Martinez. Officer Adams explained Mr. Martinez fled the apartment prior to their initial arrival after learning the police were summoned. Ms. Mulkern also identified Mr. Martinez' friends as Mr. Palacios Jr. and Mr. Sillas, both of which Officer Adams advised he was familiar with from prior law enforcement related contacts and arrests.

Officer Adams stated he confirmed a crime had occurred, Mr. Martinez being the suspect and how he and Senior Officer Christian left the location in an attempt to locate and arrest Mr. Martinez. Officer Adams stated they later returned to Ms. Mulkern's apartment to provide her with paperwork. During the completion of the second contact with Ms. Mulkern, Senior Officer Christian advised Officer Adams of two subjects who were running away from them, northbound through the center of the apartment complex. Officer Adams stated he believed the subjects running could have been Mr. Martinez, Mr. Palacios Jr. or Mr. Sillas.

Officer Adams explained how he started running north on the west side of the apartment complex and to his knowledge Senior Officer Christian also ran north through the center of the apartment complex. Officer Adams explained he arrived at Cherry Lane and started to run east bound on Cherry Lane. Officer Adams advised he arrived at 607 Cherry Lane and could hear "rustling" on the east side of the residence. Officer Adams stated he made his way to the residence and located Mr. Palacios Jr. hiding behind a blue trashcan. Officer Adams advised he ordered Mr. Palacios Jr. to get on the ground and in doing so noticed another subject wearing a white shirt fleeing behind the residence of 607 Cherry Lane.

Officer Adams advised that he radioed he was pursuing the subject but as he rounded the residence he lost sight of the subject. Officer Adams stated he believed the subject had rounded the house and as he approached the west side of the house he heard a gunshot which he described as being a "pop" or a "bang". Officer Adams stated he ran back (east) to get to the front of the house. As Officer Adams got a visual of what was going on, he stated he heard Senior Officer Christian say, "If you do

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something stupid like that, you're going to get shot".

Officer Adams stated he walked around and saw that Mr. Palacios Jr. was prone out near the vehicle parked in the driveway of 607 Cherry Lane. As Officer Adams approached the west end of the garage he could see Mr. Sillas was prone out at with his head facing Cherry Lane. He stated Senior Officer Christian was standing approximately 5 feet from him with his firearm drawn and pointed at Mr. Sillas. Officer Adams stated he handcuffed and detained Mr. Sillas.

Officer Adams stated while he was pursuing Mr. Sillas in the back of the residence, he advised he was the "Police stop running, stop". Officer Adams stated he believed the subject heard him giving the advisement.

Officer Adams stated he located a fixed blade knife in Mr. Sillas left front cargo pocket which was completely concealed with the cargo flap folded down. Officer Adams stated he also located a capped hypodermic needle in Mr. Sillas right front pocket. Officer Adams stated Mr. Palacios Jr. did not possess anything criminal and was found to have only personal property.

Officer Adams advised he then initiated the crime scene log, established a crime scene perimeter and dispatched assisting law enforcement and EMS. Officer Adams stated he watched a Halls Paramedic Cook physically checked Mr. Sillas and Mr. Palacios Jr. for bullet wounds. The check resulted with neither Mr. Sillas nor Mr. Palacios Jr. having any wounds or injuries as a result of Senior Officer Christian firing his firearm.

Officer Adams stated he contacted the residents at 609 Cherry Lane, 607 Cherry Lane and 915 Oakwood Street. Officer Adams stated the residents at 915 Oakwood told him they were sleeping and all they heard was a "bang". They believed someone had been shot. The resident at 607 Cherry Lane (Ms. Sundberg) advised she was sleeping in her front room (west end) facing Cherry Lane and stated she could hear someone in front of her window. Ms. Sundberg told Officer Adams when she looked out the window, she could see a male wearing a white shirt and black hat. Officer Adams stated the resident told the subject to "get the hell off of her property" and that the subject continued to run eastbound through her front yard. The resident at 609 Cherry Lane advised Officer Adams that they were asleep and were awoken to the sound of a ruckus. The resident stated they could hear someone saying "stop running, stop running" and then heard a "bang". The conversations Officer Adams had with the three residents were not recorded.

Officer Adams stated he took possession of Senior Officer Christian's firearm and conducted an ammunition count.

Officer Adams advised during the entire foot pursuit, he never saw Mr. Martinez, nor did he ever see three subjects. Officer Adams also stated he never recalled hearing Senior Officer Christian identify himself as a police officer due to the distance there was between the two of them. I then concluded the first interview with Officer Adams. ***Refer to the recorded interview for information and Officer Adams supplemental report.***

After speaking with Officer Adams, I spoke with Ms. Sundberg. I digitally recorded the interview. While

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inside Ms. Sundberg's residence, I could smell the odor of burnt marijuana and noted that Ms. Sundberg appeared to have recently used the drug. She later indicated that she was a medicinal marijuana patient.

I asked Ms. Sundberg to explain what happened. Ms. Sundberg explained at around 0200 to 0230 hours, she heard what she described as a group of 4-6 boys walking in front of her house on the road, referring to Cherry Lane. Ms. Sundberg stated she normally looks to see who the subjects are but on this occasion she did not check.

At approximately 0330 Ms. Sundberg stated her dogs began to bark. She described hearing the sound of people running and stated she looked out of her open window and said she yelled at a subject to "get the hell out of my yard". That subject was later determined to be Mr. Sillas. Ms. Sundberg stated she opened her door and saw Mr. Palacios Jr. lying on the ground and Mr. Sillas running east through her yard. She explained Mr. Sillas had tripped, leaving his hat in her yard and that he got back up and continued running. Ms. Sundberg also claimed to know Mr. Palacios Jr. and his father.

Ms. Sundberg described Mr. Sillas as being a Hispanic male with dark hair and of thinner build than Mr. Palacios Jr. Ms. Sundberg believed both Mr. Sillas and Mr. Palacios Jr. had entered her yard from the south west portion of her property where her fence was down and stated she entered her residence when she saw the officers approaching. Later in the interview, Ms. Sundberg stated she never observed officers across the street (south) from her residence and explained that she believed they approached her residence from the west side. She also stated Mr. Sillas did not drop to the ground until the officer stated he was going to Taser him. She explained the officer who told Mr. Sillas he was going to Taser him as wearing a cowboy hat, matching the description of Senior Officer Christian.

I asked Ms. Sundberg if she heard any gun shots and she told me she had not. She also told me she did not hear either of the officers identify themselves as police officers but explained that a vehicle was driving westbound on Cherry Lane. It is possible the vehicle could have drowned out the sound of the officer's commands to stop running. Ms. Sundberg went on to explain she had her porch light on and how Mr. Sillas was "trying like hell" to get out of her front yard. Ms. Sundberg stated she did not see the officer fire his firearm nor did she hear the gun shot. She later changed her story and said she heard a pop which she explained she believed was from a Taser. Ms. Sundberg stated this occurred after the officers approached Mr. Sillas and stated she heard the officer tell him if he moved they would Taser him. Ms. Sundberg allegedly heard the pop after entering her residence. She explained the sound as being a little "pop" and stated it was not loud like a gun fire.

I briefly questioned Ms. Sundberg about the small metal tin I located that contained marijuana and asked if it was hers. Ms. Sundberg stated the marijuana was not hers.

I confirmed Ms. Sundberg had not been struck by bullets or shrapnel. Ms. Sundberg stated her roof did not have any damage prior to the officer involved shooting and advised the roof was reroofed approximately 5 years prior. I later terminated my interview with Ms. Sundberg. It seemed Ms. Sundberg had a hard time recalling and explaining the details of what occurred and what she allegedly

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observed. It appeared to me she was leaving out or adding different accounts of what she believed happened.

I determined I would re-contact Ms. Sundberg at a later date to see whether or not her story was consistent or had changed. It is likely her story was convoluted due to her apparent use of marijuana, though I did not specifically ask her if she had used prior to my interview. It should be noted that she was the only person in the residence when I smelt the burnt odor of marijuana, her pupils were extremely dilated and she rambled when I spoke with her. I terminated the interview and the recording. I later contacted Ms. Sundberg on June 11, 2015. I asked her if Mr. Sillas had anything in his hands when he was running through her front yard and she stated she did not see anything in his hands. I confirmed Ms. Sundberg heard the shot when she entered her house. **Refer to the recorded statement for additional information.**

Officers eventually broke down and cleared the crime scene. At the direction of Sergeant Brown, Mr. Sillas' grandmother was notified of his arrest by Officer Horning.

I then responded to the Tehachapi Police Department. I interviewed Mr. Palacios Jr. in the presence of Officer Boston. I read Mr. Palacios Jr. his rights pursuant to the Miranda decision from a department issued card. Mr. Palacios Jr. told me he understood his rights. I began question Mr. Palacios Jr. about what had occurred this date and asked him to explain.

Mr. Palacios Jr. told us that earlier in the evening; he left his residence and went to his friend's house. He identified his friend as being Arthur Gonzales. While at Arthur's house, he stated he was contacted by Mr. Sillas who told him to come over to "Flex's" apartment to drink beer. Flex is the street moniker for Mr. Martinez. Mr. Palacios Jr. stated he road Mr. Gonzales' bicycle to Mr. Martinez' apartment. Upon his arrival, Mr. Palacios Jr. stated Ms. Mulkern was upset at Mr. Martinez and he believed it was because he had arrived at their apartment. Mr. Palacios Jr. stated he never went inside of the apartment and never observed any physical altercation between Mr. Martinez and Ms. Mulkern.

Mr. Palacios Jr. stated he, Mr. Sillas and Mr. Martinez left the apartment because the police were notified. He stated Mr. Martinez fled the apartments on the bicycle he borrowed from Mr. Gonzales and he and Mr. Sillas proceeded to walk to 607 Cherry Lane to consume alcohol. Mr. Palacios Jr. stated he and his father knew the home owner at 607 Cherry Lane and that is the reason they went to her property. Mr. Palacios Jr. indicated that he only had a few sips of beer.

Mr. Palacios Jr. stated he and Mr. Sillas hung out near the east portion of Ms. Sundberg's residence for approximately 20 minutes. At some point, Mr. Palacios Jr. allegedly told Mr. Sillas he wanted to return to Mr. Martinez' apartment to retrieve Mr. Gonzales' bicycle. Mr. Palacios Jr. stated they proceeded to walk back to the apartment, through the center of the apartment complex. When they got close to the apartment, Mr. Palacios Jr. stated he observed two police officers near the apartment. Mr. Palacios Jr. stated he told Mr. Sillas the cops were at the apartment and the two started to run back towards 607 Cherry Lane. Mr. Palacios Jr. stated he ran because he was out past his curfew and also on probation. He explained that his father was receiving some sort of financial aid for him and if he was arrested, his father would lose the financial aid, which his father was using to pay for a new apartment

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he recently rented.

Mr. Palacios Jr. stated he and Mr. Sillas arrived back at 607 Cherry Lane and hid near the east portion of her residence. He stated the police eventually arrived and located their position. At this time, Mr. Sillas took off running. Mr. Palacios Jr. stated he was contacted by an officer and told not to move. He stated the officer continued passed him, chasing Mr. Sillas. Mr. Palacios Jr. stated he saw Mr. Sillas running through Ms. Sundberg's front yard and watched him run out of the gate and towards Cherry Lane at which time he heard a gunshot. Mr. Palacios Jr. was not sure if any of the officers had identified themselves but stated he heard someone say something just prior to the shot being fired. He stated it could have been the words stop or get down. Mr. Palacios Jr. stated he had his hands up and that he laid down on the ground, near Ms. Sundberg's SUV. Mr. Palacios Jr. initially told me he thought Mr. Sillas was running with a Corona beer box in his hands and then later stated he believed Mr. Sillas did not have anything in his hands when he was running towards Cherry Lane.

Mr. Palacios Jr. stated he was able to see a light from across the street and stated the officer with the cowboy hat fired his firearm. I advised Mr. Palacios Jr. that a folding knife and a beer can was located near the trashcan. Officer Adams had initially located him and asked him if the knife was his. Mr. Palacios Jr. stated he knife was his and that Mr. Sillas had brought the alcohol. When asked if the marijuana we located in the tin can belonged to him, he stated initially stated the marijuana was not his but later changed his story and admitted the marijuana was his.

I asked Mr. Palacios Jr. had ever seen Mr. Sillas with a knife on this date. Mr. Palacios Jr. stated Mr. Sillas showed him a "chrome" knife when they initially went to Ms. Sundberg's residence. I asked Mr. Palacios Jr. if he recalled what pocket Mr. Sillas had the knife in and he stated he believed it was his right front pocket and that the knife was hanging out of his pocket.

I asked Mr. Palacios Jr. if he knew what a lie was and he stated a lie is when you do not tell the truth. It appeared Mr. Palacios Jr. was able to demonstrate what a lie was. I terminated the interview with Mr. Palacios Jr. This interview was video recorded however; after Mr. Palacios Jr. was transported and booked into juvenile, I found that the equipment used to record the interview apparently malfunctioned and there was no video file created. A follow up interview is anticipated to occur at a later date, if Mr. Palacios Jr. is cooperative.

After speaking with Mr. Palacios Jr. I interviewed Mr. Sillas. I asked him if he understood English which he stated he did. Mr. Sillas stated he attended schools in Tehachapi for approximately 2 years and that he had previously come from Tijuana Mexico.

To determine if Mr. Sillas was aware of current events and understood my questions, I asked if he knew who the president was, what year it was and what a lie was. Mr. Sillas was able to easily answer my questions and demonstrate he knew what a lie was and was able to provide his height and weight as being approximately 5 foot 9 inches tall and weighing approximately 140 pounds.

I then read Mr. Sillas his rights pursuant to the Miranda decision from a department issued card. Mr. Sillas told me he understood his rights by replying "yes sir". Mr. Sillas stated he and Mr. Palacios Jr.

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06/06/2015

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were hanging out in the Cherry Lane apartment complex, where Mr. Martinez and Ms. Mulkern reside and he was drinking beer. He stated he saw Mr. Martinez and said hi to him and that he left to go home at around 0200 hours. It was obvious Mr. Sillas was trying to bifurcate himself from being at Mr. Martinez' residence which I believe Mr. Sillas was doing so that he would not be viewed as a "snitch".

Mr. Sillas stated he and Mr. Palacios Jr. left the apartment and later returned to see if they, (Ms. Mulkern and Mr. Martinez) were ok. Mr. Sillas stated when they arrived near the apartment, he saw some "fools right there" and thought he was going to get jumped. Mr. Sillas stated he and Mr. Palacios Jr. took off running. I asked Mr. Sillas if he ever heard the officers identify themselves and he stated he did not. Mr. Sillas stated he and Mr. Palacios Jr. ran through the apartments (north) and hid at the corner of the house across the street, referring to 607 Cherry Lane.

Mr. Sillas stated they hid and did not hear anything at initially but eventually heard footsteps. Mr. Sillas stated he ran towards the back of the residence and made his way back around to the west side of the residence where he stopped and was "looking". He stated he heard noises and picked up a knife which he found near a vehicle parked on the west side of the Ms. Sundberg's residence. He stated he placed the knife into his right front cargo pocket and secured the knife by folding the flap of the cargo pocket down. He stated he could hear someone in the back of the residence and started to run east through the front yard of Ms. Sundberg's property and then south down the driveway towards Cherry Lane.

Mr. Sillas stated when he approached the end of the driveway; he saw someone running towards him, dressed in black. He stated the subject then "shot at him" and he "got on the ground". When asked how far the subject was from him when the shot was fired, he stated the subject was across the street and described the subject as being near the front drive way of the apartment complex he ran from. The front driveway runs east and west directly in front of the manager office.

Mr. Sillas stated he was standing up, facing the subject who fired at him when the shot was fired but stated he was turning away from the subject because he was going to run east towards the apartments at 600 Cherry Lane. Mr. Sillas stated it was dark outside and he did not know the person was a police officer. He claimed he did not see the officer's uniform or the badge. Mr. Sillas stated as the officer approached, he saw the officer was wearing a cowboy hat and stated he was thankful it was the police and not someone else.

Mr. Sillas stated he did not remember if the officer had ever told him to stop but did state that the officer said something and then "shot real fast". Later in the interview, Mr. Sillas stated the officer did say "get on the ground" and that it was so fast it did not give him time to think.

Mr. Sillas stated he did not have anything in his hands nor did he ever reach into his waistband or his pockets when he ran out of the property and south down the driveway towards Cherry Lane.

When questioned further about if he had ever reached for anything, he stated he "doubted" if he had ever reached for anything after he said he possessed a beer can which was in his back pocket. Mr. Sillas could not or would not clearly answer the question as to if he had ever reached for anything either on his waistband or in his pockets. He continued to state he did not remember or did not know.

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He later stated he believed his hands were in front of him and demonstrated how his hands were placed together towards the center of his waistband. This seemed to be inconsistent hand placement for someone who was allegedly frantically running to escape being "jumped". I found it hard to believe that his hands were in the manner he described when he was running and believe he could have reached for the beer can or his shorts which were extremely too large for him but were allegedly secured with belt.

Mr. Sillas stated he told the officer he had a knife and the knife was "straight" meaning it was a fixed blade. He claimed to not know the color of the knife. I found it odd that he claimed to have picked the knife up, when it was dark but did not know the color of the knife. I did not understand how he would initially see the knife to pick it up but not be able to recall the color of the knife. I also found his statement about when he picked the knife up to be inconsistent with Mr. Palacios Jr's statement; that Mr. Sillas was already in possession of the knife and was able to describe the knives color as being chrome.

Mr. Sillas stated he knew it was illegal to have a knife such as the one he was found to possess and also admitted to possessing the hypodermic needle Officer Adams found. Mr. Sillas stated he was given the needle by someone and was "holding" it for them. He did not know if the needle was new or if it had previously been used to for drug ingestion. I later looked at both of Mr. Sillas' forearms and found what appeared to be injection marks based on my training and experience. Mr. Sillas was not given any tests to determine if he was under the influence of drugs. He did state he consumed two beers but he did not appear to be intoxicated.

Mr. Sillas denied ever seeing Mr. Martinez throw hot wax on Ms. Mulkern or strike her when he was at their apartment. He also stated he did not know what the two were arguing about. He stated he was present at the apartment approximately 2 hours prior to Mr. Palacios Jr. arriving and estimated it was approximately midnight when he arrived.

I briefly asked Mr. Sillas why it was he believed he would be jumped and asked him if it had to do with "Tehachapi Lokos" a newly formed group of criminals that appeared to be forming a new street gang in Tehachapi. I believed Mr. Sillas was a part of the group. He denied it had anything to do with "Tehachapi Lokos" and also denied any involvement in the alleged gang or any gang. He was asked if he was a southerner or northerners. He stated he did not "bang" and could be with anyone. I terminated the interview with Mr. Sillas.

He and Mr. Palacios Jr. were transported and booked into juvenile hall for the indicated charges.

On June 10, 2015 I spoke with Officer Adams again and asked him additional questions. I asked Officer Adams if he knew how far ahead of Senior Officer Christian was he when he approached 607 Cherry Lane. He stated he did not know but to his knowledge he was still on the grassy area in the north end of the apartment complex. He estimated it was 30 to 40 feet.

I asked Officer Adams if he believed Senior Officer Christian saw him go to the back of the residence at 607 Cherry Lane, he stated he believed Senior Officer Christian did see him go to the back of the

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residence.

I asked Officer Adams if Senior Officer Christian appeared to be normal prior to his shift beginning and he stated he appeared fine. Officer Adams stated he has worked with Senior Officer Christian for approximately 3 months but he is hard to read.

I asked Officer Adams to explain Senior Officer Christian's demeanor after the shooting occurred. He explained Senior Officer Christian seemed stunned and was talking on the telephone. He stated Senior Officer Christian did not make any statements to him while on scene.

I asked if Ms. Mulkern made any statements about Mr. Sillas, Mr. Palacios Jr. and Mr. Martinez possessing any firearms or weapons. Officer Adams stated she had not made any comments that they had weapons, nor did she make any comments that either of the subjects indicated they wanted to harm law enforcement.

I terminated my interview with Officer Adams.

Senior Officer Christian is scheduled to meet on June 12, 2015 to provide a statement. Neil Record with the Stallion Springs Police Department will be questioning Senior Officer Christian.

RECOMMENDATION:

Case currently active

End of report

DUNHAM/938

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SYNOPSIS:

The information in this supplemental report will cover the in depth investigation.

NARRATIVE:

On 6/6/2015, Senior Officer Christian and I were on scene at 638 Cherry Lane apartments for a separate domestic violence call involving Myriah Mulkern and Nicholas Martinez (TPD case # 15-06-0712).

Martinez was at large at the time for felony domestic violence and Mulkern had advised us that two subjects had been present during the offense and fled the area on foot with Martinez when they learned Mulkern called 911. Mulkern identified the two subjects as Manuel Palacios Jr and Juan "Tony" Sillas. Mulkern stated that she believed they smoked methamphetamine with Martinez, in her apartment, just before they fled the area.

I am familiar with both subjects from prior arrests and contacts. I know that Palacios is on juvenile probation with search terms. I know that Sillas is a suspect in multiple TPD investigations at the time. I also know that Sillas, Palacios and Martinez are undocumented members in the local Hispanic gang "Tehachapi Lokos."

While I was speaking to Mulkern in the parking lot, Senior Officer Christian was standing to the northeast of me watching the area. Senior Officer Christian advised me that two subjects had just walked up to us and then fled northbound through the apartment complex towards Cherry Ln. Believing the subjects to possibly be Martinez, Palacios and/or Sillas I ran northbound through the west parking lot to cut them off as Senior Officer Christian pursued them on foot through the center of the complex. Officer Christian advised over the radio that one of the subjects was wearing a dark colored hoodie.

As I ran into the middle of the street (Cherry Ln), I lost visual of the two subjects. Knowing I was only seconds behind them, I believed they had gone to ground (hid) in the immediate area. I walked eastbound along Cherry Ln checking all of the single family residential yards on the north side of Cherry Lane. At that time, I believe Officer Christian was still in the front grass area of the 630 Cherry Ln apartments checking the path of the pursuit.

As I walked past the residence of 607 Cherry Ln, I could hear rustling on the east side of the house. I illuminated the area and could see someone hiding behind the blue trash can. I ran towards the

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subject ordering them on the ground. I recognized the subject as Manual Palacios Jr. He was wearing a dark hoodie and matched Officer Christian's description. When I grabbed Palacios to pull him to the ground, I could see that he didn't have any weapons in his hands as he held them in the air. Before I could gain full control of Palacios, I observed a subject in a white shirt running away from me northbound around the back of the house. I told Palacios to lay on the ground as I chased after the white shirt subject, later identified as Sillas. I advised over the radio that I had one northbound behind the house. I yelled "Police" and ordered Sillas to stop, but I lost visual of him as I got to the backyard. I could hear bushes rustling on the west side of the house. As I continued my way around the house to the west side, I heard a single "Bang!" I recognized the sound to be a single shot from a firearm. It sounded to have come from the front of the house I was running around.

Not knowing who fired or the situation, I ran back the way I came. I yelled out to Officer Christian if he was alright and if there were shots fired and he confirmed there was. I advised "998" over the radio and requested code 33. As I got back to the front garage door, I located Palacios laying prone on the ground between the garage door of 607 Brentwood and the white Saturn Vue (CA LIC# 5GUP851) in the driveway. Peering around the Saturn, I could see Officer Christian standing at the edge of the driveway of 607 Brentwood facing the house. I could see a subject, later identified as Sillas, prone on the driveway edge between Officer Christian and the house. Officer Christian was approximately 5 feet from Sillas. Officer Christian had his firearm pointed at Sillas with his gun light illuminating Sillas.

I approached Palacios and grabbed his arm to secure him. I asked him if he was shot and he stated that he was not. I quickly examined him for blood, torn clothing or any obvious injuries, but I did not locate anything. I asked again if he was shot or hurt and he stated that he was fine. I hand cuffed him to the rear and left him prone as I approached Officer Christian and Sillas.

I approached Sillas and grabbed his arm to secure him. I asked him too if he was shot and he stated that he was not. I quickly examined him for blood, torn clothing or any obvious injuries, but I did not locate anything. I asked again if he was shot or hurt and he stated that he was fine. While checking his person for weapons, I located an approximately 9" fixed knife in his left short's cargo pocket. The knife was loose in the pocket with no sheath. It was completely concealed with the pocket flap closed. This is a violation of Penal Code 21310. I handed Officer Christian the weapon as I continued my search. I located a capped hypodermic syringe in Sillas left front shorts pocket. Based on prior contacts, I know that Sillas is a methamphetamine user and he is not a diabetic. This is a violation of HS 11364.1(a). I removed the rest of the property from his person and left it where he was lying. I walked Palacios over to where Sillas was and removed all of his property from his pockets. Nothing of importance was located on Palacios. I sat Sillas and Palacios next to each other on the curb and Officer Christian stood by with them.

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I had dispatch request Sheriff units to respond to assist. I also heard a Bear Valley unit responding to the scene. Union Pacific Officer Henning and Bear Valley Officer Kaiser arrived on scene from the east at Brentwood and Cherry Ln. I had them block off Cherry Ln west of Brentwood and Beech and Brentwood. I blocked off Cherry Ln and the east driveway of the 630 Cherry Ln apartments with my vehicle. I had Officers Henning and Kaiser tape off the west side of the scene while I taped off the east end of the scene. I started a crime scene log. Officer Henning assisted me with updating the log through out the investigation. KCSO Deputy Patton arrived on scene to assist.

I had dispatch clear medical aid, but I instructed that only Hall medic, C. Cook, enter the scene to preserve evidence. I assisted Cook in examining both Palacios and Sillas for injuries. I lifted their shirts and checked their torso front and back. I palpated the lower portion of their extremities for signs of injury and/or pain. Both subjects appeared to have no injuries and Cook left the scene.

Both Sillas and Palacios remained handcuffed despite them being minors. As stated above, both of them are believed to be members of the local gang Tehachapi Lokos. Sillas was contacted with an illegal weapon and both subjects are known to use illegal drugs. I believed them both to be enough of an officer safety issue that they remained handcuffed. I secured Palacios in the back of unit. I secured Sillas in the back of Deputy Patton's vehicle. Officers continued to check on both subjects during the investigation.

I requested that dispatch contact Chief Kroeger and supervisory staff immediately. I made sure Officer Christian remained uninvolved with the investigation. He only assisted by holding the southeast perimeter of the scene.

I responded to the residence directly in the background of the shooting, 607 Brentwood. I contacted the sole occupant, Janus Sundberg. Sundberg advised me that there was no one else in the house and she was not hurt. She stated that she only had three dogs in the home and they were no injured either. After checking the welfare of the her neighbors, I responded back to Sundberg to obtain her statement.

STATEMENT OF JANUS SUNDBERG

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Sundberg stated that she was asleep in the front west bedroom of the residence facing Cherry Ln. She stated that she heard rustling and talking outside her window. Sundberg stated that when she looked out the window she saw someone in a black hat and white T-Shirt. It was later determined that Sillas matched the description. Sundberg stated that she yelled "Get the hell out of my yard!" as the subject ran across her front yard eastbound. Sundberg stated that she didn't hear a gunshot or any type of bang, but she saw an officer standing over a person laying in her driveway. She stated that the officer looked like he was pointing a Tazer at the prone subject. Sundberg stated that she not locate any bullet holes, bullets or fresh damage inside her residence.

STATEMENT OF MICHAEL GURULE

I responded to Sundberg's west neighbor at 609 Cherry Ln. I made contact with resident Michael Gurule. Gurule stated that no one was injured from the incident. I asked Gurule if he heard or saw anything along Cherry Ln within the last couple of hours. Gurule stated he was lying in bed towards the front of the residence, when he heard someone yell "Stop running, stop running, stop!" Gurule stated that it was followed with a single "Bang!" Gurule stated that he did not see anything or hear anything else because he remained in his residence.

I responded to Sundberg's east neighbor at 915 Oakwood Dr. I made contact with residents John Roark and David Clodfelter.

STATEMENTS OF JOHN ROARK AND DAVID CLODFELTER

Roark stated that he was awake in the house when he heard voices arguing and then he heard a loud "Bam!" Roark ran into Clodfelter's room and told him he thought someone had been shot. I asked him if he saw someone something that led him to that conclusion, but he stated that he did not.

Clodfelter stated that he was asleep in bed when a loud "Bang" woke him up. Roark came into his room and told him that he thought someone had been shot.

Neither Roark or Clodfelter stated that they saw anything.

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The west side of their fenced yard was within the area of the possible bullet trajectory and impact. I taped off that area and instructed them that no one was allowed to cross into the taped off area.

LOCATION OF SHELL CASING

KCSO Deputy assisted in locating evidence. While I was initially taping off the east side of the crime scene, Officer Christian advised me that his shooting position was approximately 10 to 15 feet into the east driveway of the 630 Cherry Ln apartments. Deputy Patton searched that area and located a single silver shell casing in a grass patch along the red fire zone curb. Deputy Patton never disturbed the evidence. I sprayed an orange paint dot to identify the location and Deputy Patton covered the evidence with an empty chew container for preservation purposes.

Once there were enough officers on scene, I took custody of Officer Christian's department issued .40 cal Glock side arm, the two .40 cal ammunition magazines from his belt pouch and a third .40 cal ammunition magazine from his shirt chest pocket. I asked Officer Christian how many rounds each magazine was loaded with. Officer Christian stated that each magazine was loaded with 15 rounds and one round in the chamber. 4 magazines (60) plus one in the chamber equates to 61 total rounds prior to the incident. I cleared the round from the chamber and removed the rounds from all four magazines. I counted 60 rounds total. One round was missing. I took photos of the evidence. Refer to attached photos. Officer Christian left the scene and remained at the Tehachapi Police Station for the rest of the investigation.

Officer Boston and Officer Horning came on duty early and responded to the scene to assist. Officer Horning assisted with perimeter watch.

Palacios was placed under arrest for PC 148(A)(1)-resisting/delaying an officer. Sillas was placed under arrest for PC 148(A)(1), PC 21310 and HS 11364.1(a). Officer Boston individually transported Palacios and Sillas to the station where they were secured until transported to juvenile hall by Officer Goe. Records clerk A. Henning stood by and monitored Sillas and Palacios. I later scanned and attached the Secure Juvenile Detention log to this report.

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ADDITIONAL EVIDENCE LOCATIONS

A located a black hat in the center of the front yard of 607 Cherry Ln. Another black hat was located to the front of the white Saturn Vue in the driveway of 607 Cherry Ln. I located additional evidence by the blue trash can on the east side of 607 Cherry Ln. I took photos of all evidence and their locations. None of the evidence was disturbed prior to Detective Dunham's arrival.

Upon Detective Dunham's arrival, I advised him of the situation. I handed over all evidence in my custody to Detective Dunham while at the scene. I assisted Detective Dunham in the attempted bullet recovery.

I provided Officer Dunham with my recorded statement and relieved control of the scene to him.

I made contact with Palacios' family members at the scene. They were advised that Palacios was in custody and at the station, but I was unable to provide any further information. I provided them with Sgt Brown's contact information and advised them to contact her with any further questions. I was unable to locate and contact Sillas' parents. Later in the investigation, Officer Horning was able to locate and advise Sillas' parents of the situation.

While at the scene, I had dispatch attach all vehicles within the crime scene to this report. None of the vehicles appeared to be damaged during the incident.

Nothing further.

Refer to additional narratives for further regarding evidence collection, witness and suspect interviews.

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SYNOPSIS:

This report will document the removal of evidence from the property room.

PHYSICAL EVIDENCE:

Item #100: Smith and Wesson .40 caliber shell casing located approximately 54 feet 2 inches east of light pole # 2338043E and approximately 14 feet 4 inches south of the southern curb line of Cherry Lane by Officer Adams, seized by Detective Dunham

Item #300: One (1) Glock Model 22 .40 caliber semi-automatic pistol (Serial# KXD830) with Surefire rail light (operable) recovered from Senior Officer Christian by Officer Adams

CHAIN OF EVIDENCE:

The above listed items were removed from the property room for evaluation and later booked back into the Tehachapi Police Department's Property Room as evidence.

OFFICERS INVOLVED:

Stallion Springs Police Department Investigator Neil Record examined the above listed items

DETAILS:

On June 11, 2015 I removed the above listed items from the property room so they could be examined by Neil Record. The items were later booked back into the property room as evidence.

RECOMMENDATION:

Supplemental report, route with original

End of report

DUNHAM/938

Prepared By:

938 DUNHAM, JASON P

Date:

06/11/2015

Approved By:

904 EMPEY, KEVIN R

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SYNOPSIS:

This report will document Senior Officer Christian's statement regarding the alleged crimes Mr. Sillas and Mr. Palacios Jr. were arrested for committing

PHYSICAL EVIDENCE:

Item #500: CD containing interview with Senior Officer Christian

CHAIN OF EVIDENCE:

The above item was digitally recorded, then transferred to a compact disc and booked into the Tehachapi Police Department's Property Room as evidence.

OFFICERS INVOLVED:

Stallion Springs Police Department Investigator Neil Record conducted the interview of Senior Officer Christian

DETAILS:

On June 12, 2015 Officer Neil Record conducted an interview with Senior Officer Christian regarding the use of deadly force. Christopher Gonzales, Senior Officer Christian's representation (attorney) and I were also present during the interview. The interview was digitally recorded and the following is a synopsis of the interview as it relates to the criminal conduct of Mr. Palacios Jr. and Mr. Sillas.

The Officer Involved Shooting portion as it relates the use of deadly force will be documented by Officer Record in a supplemental report. Officer Record's report will be attached to this report when it becomes available. Refer to his report for additional information.

As I listened to the interview, Senior Officer Christian related he assisted Officer Adams at 638 Cherry Lane apartment G regarding the domestic violence investigation originally documented under Tehachapi Police Department case 15-06-0712. At some point during the call, Senior Officer Christian advised Ms. Mulkern's apartment contained some sort of graffiti which he believed was gang related and found that the suspect, Mr. Martinez had allegedly broke down a door and thrown a knife at Ms. Mulkern.

Senior Officer Christian also recalled speaking to a Hispanic male subject of whom he did not know the subjects name however; this subject proceeded to tell Senior Officer Christian the suspects who had fled (Mr. Martinez, Mr. Palacios Jr. and Mr. Sillas) were going to retrieve guns. After reviewing the

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documented facts in this case, I believe the subject Senior Officer Christian was referring to is Mr. Anaya.

Senior Officer Christian related he observed two male subjects, later identified as Mr. Palacios Jr. and Mr. Sillas walking towards he and Officer Adams. The two subject took off running north through the apartment complex. Senior Officer Christian advised Officer Adams they subjects were running and began to chase the subject on foot through the apartment complex.

Senior Officer Christian advised he began to chase the subject because he believed they were involved in the crimes against Ms. Mulkern. He also advised he did not initially yell for the subjects to stop or identify himself as a police officer due to the distance they had gained from him.

Senior Officer Christian stated he located a cold beer can in the apartment complex which he believed belonged to the two subjects he was pursuing. He advised he arrived near the north east end of the apartment complex and had lost sight of the subjects. Eventually, Senior officer Christian stated he observed Mr. Sillas running east through the front yard of 607 Cherry Lane. He stated he at this time identified himself several times as a police officer and also told Mr. Sillas to stop running. Mr. Sillas refused to comply with Senior Officer Christian's commands and continued to run. At some, Mr. Sillas reached towards his waistband causing Senior Officer Christian to fire his firearm. Refer to Officer Records report for additional information regarding the Officer Involved Shooting.

After firing at Mr. Sillas, Senior Officer Christian stated he immediately stopped running and put his hands up in the air. Senior Officer Christian stated he had to tell Mr. Sillas several times (at least four) to lie on the ground before he would comply. Senior Officer Christian advised Officer Adams placed Mr. Sillas in handcuffs at which time he watched as Mr. Sillas was searched and found to be in possession of a concealed knife and a hypodermic syringe. Mr. Sillas was subsequently arrested as was Mr. Palacios Jr.

Refer to Officer Adams report for additional details regarding the arrest of Mr. Sillas and Mr. Palacios Jr.

Refer to Officer Record's report for additional information regarding the Officer Involved Shooting.

RECOMMENDATION:

Case closed by juvenile arrests, route with originals to juvenile probation department for prosecution.

End of report

DUNHAM/938

Prepared By:

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Date:

06/15/2015

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06/15/2015

**TEHACHAPI POLICE DEPARTMENT**

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220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

SUPPLEMENT 4

15-06-0713

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SYNOPSIS:

This report will document follow information I received from Ms. Mulkern and Mr. Anaya

PHYSICAL EVIDENCE:

Item #500: CD containing recorded phone interview with Ms. Mulkern

Item #600: CD containing recorded phone interview with Mr. Anaya

CHAIN OF EVIDENCE:

The above items were digitally recorded, then transferred to compact discs and booked into the Tehachapi Police Department's Property Room as evidence.

DETAILS:

On June 15, 2015 I made a phone call to Ms. Mulkern in an attempt to ascertain if Mr. Anaya was still residing with her. During the interview with Senior Officer Christian, he indicated he spoke with a male subject during the domestic violence investigation who allegedly told him the suspects had left the apartment and were going to get firearms. Senior Officer Christian stated this elevated his perception of the involved individuals because he felt the subjects could or would return with firearms. Senior Officer Christian stated the subject was unknown to him.

In reviewing Officer Adams report, I found that Mr. Anaya was present inside the apartment during the time in which Officer Adams was gathering a statement from Ms. Mulkern. I believe this is the subject Senior Officer Christian was referring to.

I asked Ms. Mulkern if Mr. Anaya was at her house so I could speak with him. Ms. Mulkern advised me Mr. Anaya was no longer residing with her due to failure to pay rent and that she believed he allegedly went to Pomona. Ms. Mulkern went on to state she lied to Officer Adams when she reported the domestic violence allegations against Mr. Martinez and was mad at him because she believed he cheated on her. She stated she did not want charges filed against Mr. Martinez and had made several calls to the district attorney's office in Mojave.

Ms. Mulkern provided me with the name Carina Almaraz and stated she was present when Mr. Martinez broke down her door and pushed items which caused her to have wax thrown on her. Ms. Mulkern stated none of the acts were intentional by Mr. Martinez and further stated Ms. Almaraz could verify Mr. Martinez had never struck her. I advised Ms. Mulkern I would attempt to make contact with Ms. Almaraz and asked her if she knew reporting false crimes to the police was a crime. Ms. Mulkern stated she knew making false reports was a crime and we could take her to jail. She also indicated she

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938 DUNHAM, JASON P

Date:

06/17/2015

Approved By:

904 EMPEY, KEVIN R

Date:

06/17/2015



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was intoxicated the evening of the alleged incident and was suffering from mental health problems. I later terminated my interview and formed the opinion that Ms. Mulkern has changed her position and is lying about not being battered by Mr. Martinez. Both she and Mr. Martinez have a long history of contacts with this department and both have several contacts related to domestic violence between each other, primarily with Mr. Martinez being the primary aggressor. Those acts this department was made aware of have been reported and documented with the appropriate arrests being made. Given this history, I believe Ms. Mulkern has changed her story because she does not want Mr. Martinez to go to jail. Further, I believe she would influence Ms. Almaraz to lie to the police as well. **Refer to recorded interview for additional information.**

On June 17, 2015 I received a telephone call from Mr. Anaya. I digitally recorded the phone conversation. I advised Mr. Anaya the reason why I wanted to speak with him. He advised he was intoxicated the evening Officer Adams and Senior Officer Christian investigated the case involving Mr. Martinez and Ms. Mulkern. I specifically asked Mr. Anaya if he had ever told Senior Officer Christian that Mr. Martinez, Mr. Sillas or Mr. Palacios Jr. we're going to retrieve weapons. Mr. Anaya told me he told Senior Officer Christian Mr. Sillas "might have a gun on him" and that he "always has one on him". I asked Mr. Anaya if Mr. Sillas had a gun on him that evening and he stated he did not want to say he did or did not because he did not want to be wrong.

I also asked Mr. Anaya if he recalled telling any of the officers Mr. Martinez, Mr. Sillas or Mr. Palacios Jr. had any gang relation to the "Tehachapi Lokos", an apparent up and coming sureno criminal street gang that appears to be actively promoting the gang by tagging in the Golden Hills area and other outlying areas near Tehachapi. Mr. Anaya stated all of them are "want to be's from Tehachapi Lokos" and stated Ms. Mulkern told the officers "my baby daddy is the main head of Tehachapi Lokos". It should be noted, Mr. Martinez and Ms. Mulkern do have a small child in common and if the statement was made, Mr. Martinez could be the subject she was referring to.

I asked Mr. Anaya if there was any gang writing in the apartment as Senior Officer Christian made note of in his interview that he noticed what he believed was gang related graffiti. Mr. Anaya stated there was tagging located outside of the apartment everywhere and further stated the graffiti was associated to "Tehachapi Lokos".

When asked if he observed Mr. Martinez get into a fight and hit Ms. Mulkern, he stated he did not see them fight and stated he was intoxicated.

I subsequently terminated my interview with Mr. Anaya. **Refer to the recorded interview for additional information.**

RECOMMENDATION:

Route with originals

Prepared By:
938 DUNHAM, JASON P

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06/17/2015

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904 EMPEY, KEVIN R

Date:
06/17/2015



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15-06-0713

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End of report

DUNHAM/938

Prepared By:

938 DUNHAM, JASON P

Date:

06/17/2015

Approved By:

904 EMPEY, KEVIN R

Date:

06/17/2015

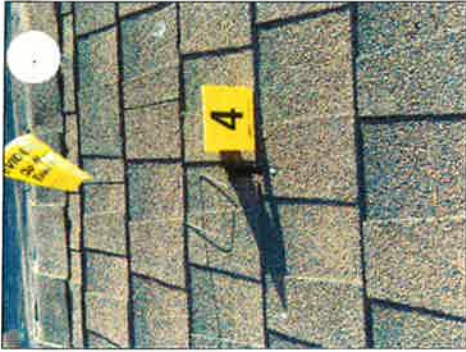


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IMAGE GALLERY FOR CASE 15-06-0713

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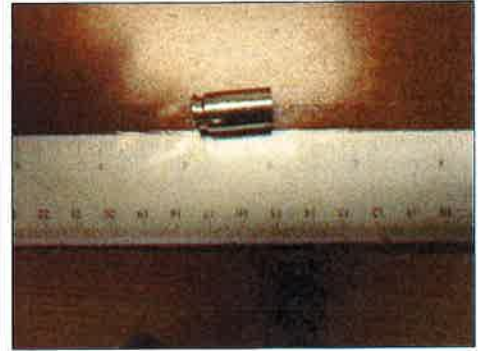
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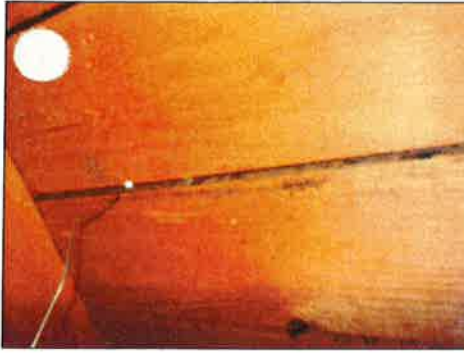
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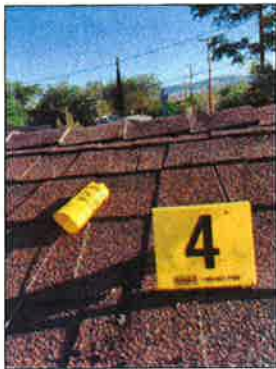
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STALLION SPRINGS POLICE DEPARTMENT

Supplemental Report

Case No: SS1506214

A.O.D. for Tehachapi Police Department

Investigator: Officer N. Record #5, Stallion Springs Police Department

Date: June 15, 2015

Synopsis

I was assigned to assist the Tehachapi Police Department with their investigation into an Officer Involved Shooting. I inspected the officer's duty weapon, the spent shell casing, and other pieces of evidence connected with this case. I reviewed photographs of the scene, of the involved officer, and of the two suspects. I reviewed reports written by officers from the Tehachapi Police Department, and I visited the scene of the shooting. I then conducted an interview with the officer who fired his weapon, Sr. Officer Christian. Officer Christian stated that he had engaged in a foot pursuit of two subjects who were possibly suspects in a violent felony that had occurred moments earlier, and were possibly armed with a firearm or firearms. Officer Christian stated that during this foot pursuit, one of the suspects reached for his waistband as if he were reaching for a concealed firearm. Officer Christian stated that he feared for his life, and he drew his weapon and fired one shot at the suspect, who immediately put his hands up. No one was injured as a result of the shooting, and both suspects were taken into custody. Based on the results of my investigation, I believe that Officer Christian's actions were reasonable and are within California State Law.

Details

On June 10th, 2015, I was contacted by Chief Grant and assigned to assist the Tehachapi Police Department with their investigation into an Officer Involved Shooting. On June 11th, 2015, I met with Detective Dunham and was briefed on the details of the incident. Detective Dunham showed me photographs taken at the shooting scene, and of the two suspects after they were taken into custody. Detective Dunham showed me photographs of Officer Christian that depicted his appearance at the time of the shooting. I noted Officer Christian was dressed in full uniform with his badge showing.

Detective Dunham informed me that the Department's standard issue sidearm is the Glock model 22 pistol in .40 S&W caliber, and the standard issue ammunition is Winchester Ranger in .40 S&W caliber, with a 180 grain jacketed hollow point bullet and a nickel plated case. Detective Dunham allowed me to inspect the weapon that Officer Christian fired during the shooting, which was seized from him shortly after the shooting. I noted this firearm is a Glock

model 22 pistol in .40 S&W caliber, serial number KXD830. I noted that the serial numbers on the barrel, frame and slide are all matching. I observed the pistol had a rail mounted Surefire light attached, and I checked this light and noted it appeared to be functioning properly. I disassembled this firearm and checked the trigger safety, drop safety, and firing pin safety, and noted that all three appeared to be functioning properly. I noted the pistol appeared to have a 5 pound trigger spring and a 5 pound connector, which are both standard as shipped from the factory. I did not observe any modifications made to the pistol, other than the rail mounted light described above.

I then inspected the spent casing that was recovered at the scene. I noted this casing was nickel plated, and the bottom of the case is marked "WIN 40 S&W". This is consistent with the Department's standard issue ammunition. I inspected the marks on this casing's primer, and noted they are consistent with those made when a cartridge is fired from a Glock .40 S&W caliber pistol.

Detective Dunham provided me with the Department's firearm's training records, and I noted that Officer Christian last qualified on January 28, 2015. According to these records, officers qualified on a low light course of fire during that qualification. I also noted that the sidearm Officer Christian used during this qualification was the same as described above, a Glock model 22 in .40 S&W caliber, serial number KXD830.

Detective Dunham and I then visited the scene of the shooting so that I could see it first hand. Detective Dunham pointed out the location where the spent casing was recovered, where the bullet impacted, where the suspects were taken into custody, and the general area where it is believed Officer Christian was when he fired. Detective Dunham advised me that a search of the nearby residences was made during the investigation at the scene, and no witnesses to the shooting were discovered, other than Officer Christian and the two suspects. Detective Dunham also advised that no security cameras had been located which might have captured the incident.

Later that date Detective Dunham sent me copies of the reports he and Officer Adams had completed, and I reviewed each of these reports. I made the following observations:

Both Palacios and Sillas admitted to drinking beer prior to the incident;

The original victim of the domestic violence told officers she believed Palacios and Sillas had smoked methamphetamine prior to the incident;

Palacios admitted recognizing the officers and running from them;

Sillas stated he ran because he thought he was going to get jumped by unknown subjects;

Palacios stated he saw a chrome colored knife in Sillas' possession earlier that night, and believes it was in Sillas' right front pocket, with the knife hanging out of the pocket;

Sillas stated he found a knife during the foot pursuit and put it into his right front cargo pocket;

Officer Adams states he seized the chrome colored knife from Sillas' left cargo pocket (I believe this is important because it possibly indicates that Sillas handled the knife at some point, moving it from his right side to his left side);

Officer Adams states after he located the first suspect (Palacios) in the yard at 607 Cherry Lane, he observed the second suspect (Sillas) run around the back of the house, and he identified himself as a police officer and ordered that suspect (Sillas) to stop;

Palacios stated he heard someone say something like "Stop" or "Get down" just prior to the shot being fired;

Sillas stated he heard the officer say something just prior to the shot being fired;

A bicycle light and 3 cell phones were seized from Sillas' person at the time of arrest, and any of these items could have been mistaken for a handgun if seen at a distance and/or in poor light.

On June 12th, 2015, I met with Sr. Officer Christian at the Tehachapi Police Department to obtain his statement regarding his actions during this incident. Also present in the interview room were Detective Dunham, and Attorney Christopher Gonzales, who was providing legal representation to Officer Christian. I advised Officer Christian that he was not under arrest, was not being detained, and that he was free to leave or to stop the interview or stop answering questions at any time he chose to do so. I asked Officer Christian if he understood this, and he said yes. Detective Dunham recorded the interview, and what follows is a summary of Officer Christian's statement.

Officer Christian said he is a Senior Officer with the Tehachapi Police Department and is assigned to the graveyard shift. Officer Christian said he has been a police officer for 18 years. Officer Christian said he believes he was rested on the night of the incident, and does not believe he was suffering from any physical or emotional condition that would have prevented him from performing his duties.

Officer Christian said he and Officer Adams were dispatched to an apartment on Cherry Lane to a call of domestic violence. Officer Christian said Officer Adams was conducting the investigation of the incident and he (Officer Christian) was acting as cover officer. Officer Christian said according to the victim's statements, the suspect had broken in the door and assaulted her, and there was probable cause to believe a felony had been committed. Officer Christian said the primary suspect in the assault had left prior to their arrival, and that he was accompanied by two other individuals.

Officer Christian said there was another male subject who was present at the apartment when Officer Adams interviewed the victim. Officer Christian said he overheard this male subject say that the suspect and other subjects were possibly going to get some firearms and return to the apartment and finish the incident. Officer Christian said because of this information he was watching the area while Officer Adams was talking to the victim.

Officer Christian said while he was watching the area, he saw two subjects approach the apartment on foot. When these subjects saw the marked patrol cars they both turned around and took off. Officer Christian said he yelled at Officer Adams that two subjects had just fled on foot, and then he started running after these subjects. Officer Christian said because of their actions he believed one of these subjects may have been the suspect in the domestic violence case. Officer Christian said when he went around the corner of a set of apartments where he thought the subjects might be, they were not in sight, so he used his radio to report their clothing descriptions to dispatch and to Officer Adams. Officer Christian said he then began searching the area for these subjects.

Officer Christian said he then heard yelling coming from the north end of the apartment complex. Officer Christian said when he reached that area he saw both of the subjects who had been running, and now they were in the front yard of a residence on Cherry Lane. Officer Christian said he had his baton in his primary hand because he had taken it out while he was running so it wouldn't trip him up while he was running.

Officer Christian said he yelled at the subjects "Police, stop where you are". Officer Christian said the subject with the hoody on (Palacios) went behind the car parked at the house, and the subject in the white shirt (Sillas) had hopped over the fence and "Started running towards me as I was running towards him". Officer Christian said he told this subject again to stop and put his hands up, but this subject (Sillas) continued moving and then reached down to his right side. Officer Christian said he had started transitioning his baton to his left hand, and when he saw him (Sillas) doing that (Reaching to his right side) he thought "Here we go".

Officer Christian said he went to pull his primary weapon. Officer Christian stated "I'm figuring I'm already behind the curve, and I don't want to get shot". Officer Christian said "I point shoot as soon as I break leather, I shoot at him". Officer Christian said he

did not know if he hit the subject, but the subject put his hands up. Officer Christian said he told the subject to get down on the ground but he was slow to comply. Officer Christian said he told the subject again to get down on the ground, and also told the subject if he made another move like he just did he's going to get shot. At this point the subject complies and gets down on the ground.

Officer Christian said Officer Adams then appeared and took the subject into custody who was behind the car. Officer Adams then walked that subject out while he (Officer Christian) covered the subject he had fired at. Officer Adams then took that subject into custody.

I asked Officer Christian to clarify if he saw the subject reaching towards a pocket or to his side, and he said the subject was reaching towards his waistband. I asked Officer Christian if he had any training or experience that indicated such a movement could be someone who's reaching for a weapon, and he said yes. I asked Officer Christian if he fired with the gun in his right hand only, and he said yes, he was still holding his baton in his left hand. I asked Officer Christian if the light mounted on his pistol was on, and he said he did not remember. I asked Officer Christian what the lighting conditions were at that time, and he said it was dark, with street lights. I asked Officer Christian if he saw anything in the subject's hands, and he said he just saw the subject reaching towards his waistband as if he was reaching for a weapon. Officer Christian said based on the earlier statement he overheard about the subjects returning with guns, he believed he was going to be dealing with a gun.

I asked Officer Christian how far away he was from the subject when he fired, and he said he believes it was about the width of the street. I asked Officer Christian if he believes there was enough light to be able to see if the subject was holding a weapon in his hands, and he said he could not say.

Mr. Gonzales then asked Officer Christian some questions. Officer Christian clarified that in addition to breaking down the door to the victim's apartment and assaulting her, the suspect had also thrown a knife at her. The knife was stuck in the wall and was left in the apartment by the suspect. Officer Christian said his state of mind was that he was dealing with violent individuals who were possibly armed with deadly weapons. Officer Christian said he believed his life was in danger, and that was the only reason he fired at the subject. Officer Christian said he believes he acted appropriately based on the circumstances and the subject's actions. Officer Christian said he was also concerned that the second subject, behind the car, may have been armed, and he did not relax until he heard Officer Adams dealing with that subject.

I then asked Officer Christian why he only fired one round, and no additional shots. Officer Christian said he only fired one round because as soon as he fired the first shot the

subject immediately put up his hands. I asked Officer Christian if he had any training or experience that indicated gang members and criminal commonly carried weapons in their waistband and pockets, and he said yes. I asked Officer Christian if he fired at the subject because he believed the subject was reaching for a weapon, and he said yes.

At this point we stopped the interview for several minutes and took a break. Once we began the interview again, Officer Christian stated he did not have his gun in his hand while he was running, and he did not fire the shot accidentally. Officer Christian stated he fired the shot intentionally. I asked Officer Christian if he had anything else he wanted to say, and Mr. Gonzales had Officer Christian discuss the possibility that there was gang activity connected to the apartment where the domestic violence had occurred. Officer Christian said there is gang graffiti on the front door of this apartment, and more nearby, that was possibly done by Sillas and Palacios. Officer Christian said the people who hang around this apartment are either gang members or associates, and this information factored into his mindset and decision making process that night.

At this point I had no further questions, and we ended the interview.

Opinions and Conclusions

Officer Christian responded to a call of domestic violence, where a suspect had forced entry into the apartment, assaulted the victim physically, and thrown a knife at her. During this investigation Officer Christian overheard a witness state the suspect and two persons with the suspect were possibly going to get a gun or some guns and return to the apartment. Moments later Officer Christian observed two subjects walking towards the apartment, and these subjects turn and flee on foot when they see law enforcement is at the scene. Officer Christian chased after these subjects, believing one of them is possibly the suspect in the domestic violence case, and that they are possibly armed with a firearm or firearms.

Officer Christian temporarily lost sight of these subjects, but spots them again in the yard of a residence on Cherry Lane. Officer Christian states one of these subjects jumps a fence and begins running towards him. Officer Christian states he orders this subject to stop and put up his hands, but the subject continues moving and then reaches towards his waistband as if reaching for a concealed firearm. Officer Christian said he believed the subject was reaching for a firearm, and that his life was in danger, so he drew his duty pistol and fired one shot at this subject. The subject then put up his hands and surrendered.

Based on my review of the evidence, and statements made by Palacios, Sillas, Officer Adams, and Officer Christian, I believe Officer Christian's actions were reasonable and are within California state law.

Kern County Sheriff's Office Transcription

Case#: 15-06-0713

Participants:

Neil Record, Michael Christian,
Jason Dunham, Chris Gonzalez

Transcriber/Translator:

Mariana Arana

Reviewed by:

Jason Dunham

DIRECTION	TRANSCRIPTION
RECORD:	This is a criminal investigation to an incident that occurred on June 6, 2015. On Cherry Lane in the City of Tehachapi. My name is NEIL RECORD and I am an officer with the Stallion Springs Police Department and I am in charge of this interview. Present with me are Detective Jason Dunham with the Tehachapi Police Department, I believe it's Senior Officer?
CHRISTIAN:	Correct.
RECORD:	MICHAEL CHRISTIAN also with Tehachapi Police Department and attorney CHRISTOPHER GONZALEZ, who is providing legal presentation for Officer CHRISTIAN. Is that correct?
GONZALEZ:	That is correct.
RECORD:	This interview with being conducted at the Tehachapi Police Department. The date is June 12, 2015. And according to my watch, it is approximately 2:09 pm. This interview is being recorded by Detective DUNHAM. Officer CHRISTIAN, I want you to

Case #:
Transcribed by: M. Arana
Reviewed by:

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	understand that you are not under arrest. You are not being detained and you are free to leave at any time and you are free to terminate this interview or stop answering questions at any time.
CHRISTIAN:	[U/I]
RECORD:	Okay, you understand?
CHRISTIAN:	Yes, sir.
RECORD:	Okay. All right. What is your current rank and assignment? Senior Officer?
CHRISTIAN:	Senior Officer assigned to, uh, graveyard patrol.
RECORD:	Okay. How long have you been a police officer?
CHRISTIAN:	Uh, eighteen years now.
RECORD:	Do you believe you are well rested and capable of performing your duties on the night of the, of the incident?
CHRISTIAN:	Yes.
RECORD:	Do you believe you had any physical or emotional condition that may have affected the ability to perform your duties on the night of the incident?
CHRISTIAN:	No.
RECORD:	Okay. How did you become involved in the incident?
CHRISTIAN:	I was called to a domestic violence call. I was cover officer.
RECORD:	Okay. And you responded to the call?
CHRISTIAN:	Correct.

RECORD:	And what did you learn when you got there?
CHRISTIAN:	The victim had been, uh, beaten by her boyfriend, uh, Officer ADAMS was conducting the initial investigation. I was just providing cover so I didn't really, I took pictures of the damaged door that was broken in. Uh.
RECORD:	Okay. Did, uh, this time your conversation with, uh, the reporting person or victim, did you, did you have probable cause to believe crime had been committed?
CHRISTIAN:	Yes.
RECORD:	Uh, felony? Misdemeanor?
CHRISTIAN:	Felony from what I was...
RECORD:	And the suspect or suspects? Were they there at the scene?
CHRISTIAN:	Not at that time. No.
RECORD:	Okay. So, what did you do then?
CHRISTIAN:	I took pictures of the damaged door. Also the knife that, uh, the victim had, uh, advised that the suspect had thrown at her and I was just providing cover for Officer, uh, ADAMS as he was talking to the victim. Providing the paperwork for her for the domestic violence that occurred.
RECORD:	Uh, were these individuals someone that you had dealt with previously?
CHRISTIAN:	Uh, no one I had dealt with recently. The name of the primary suspect was familiar to me. The other two individuals I don't recall dealing with before.
RECORD:	How many suspects were there initially in the crime you were investigating?
CHRISTIAN:	Just the primary one and I don't remember his name at this time. Uh, and then he left

	the area with two others.
RECORD:	Okay, uh, and what happened then?
CHRISTIAN:	I was watching the area while Officer ADAMS was conducting, doing the paperwork with, uh, the female out by our patrol cars. There had been mention that these guys had gone out to, uh, that were planning to go out and get firearms for one reason or another. Uh, I was at that point, my head was in a swivel. I didn't know if these guys were coming back in relation to, uh, if they wanted to finish up with this incident further, uh, at that point I see two people coming in through the courtyard, uh, they were walking southwest towards where our marked patrol cars were parked in the west parking lot near the victim's apartment. As soon as they saw our marked cars, they stopped [U/I] and took off back around the corner.
RECORD:	Okay. Let me back off just for a moment. You mentioned that you received some information about the [U/I] amount of people would show up again with firearms. Where did that come from?
CHRISTIAN:	That was information I overheard from another witness that was out at scene during the, uh, fight between the suspect and the female, the victim.
RECORD:	Okay, so that was, that was a witness that was there initially?
CHRISTIAN:	Correct.
RECORD:	Do you remember who that person is?
CHRISTIAN:	I do not remember. He was a male subject that was there.
RECORD:	Do you have any knowledge if that person was identified in the report?
CHRISTIAN:	I do not know.
RECORD:	Okay. All right. So when you're watching the area and you see these individuals

	approach and then run, uh, what was your mind set, what did you think at that point?
CHRISTIAN:	That there were possibly the two involved subjects that were from this incident. As soon as they saw us, they both took off.
RECORD:	Did you believe it was possibly, one of the individuals was possibly the suspect that you were looking for?
CHRISTIAN:	I didn't see any one of them clearly from that point. But when he went to say yeah that was that particular, the main suspect [U/I] and since I didn't know who the other two were, I [U/I] if I hadn't made contact with them again, I wouldn't be able to identify them.
RECORD:	It was the possibility of your mind?
CHRISTIAN:	Correct.
RECORD:	Based on their behavior. Okay. Good. When they ran, what did you do now?
CHRISTIAN:	I yelled at my partner, Officer ADAMS, hey, these two guys took off back around the corner and I took off running after them and as far as I know, Officer ADAMS was behind me.
RECORD:	Okay, and where did you run?
CHRISTIAN:	I ran, uh, northeast of the corner of the apartments where they had disappeared around. I came around the corner and they were gone. I looked behind me and Officer ADAMS had apparently taken off straight down the west parking lot to possible cut them off. So I notified Dispatch and ADAMS over the radio that I had lost sight of them and gave the description of the clothing they had on and I proceeded to start walking around the center of the plaza to see if I could locate them.
RECORD:	Okay and did Officer ADAMS reappear at some point?

CHRISTIAN:	Uh, as I walking through, I glanced off to my west and saw him walking through the, or down the, uh, west parking lot area of the complex still going northbound. And then I you know I just continued continued to look around. I found a, uh, I think was a can of beer. Don't remember what kind on the ground. It was un-open but it was cold and then, uh, because the grass was wet, I saw a footprint or what I determined were fresh wet foot prints on the dry sidewalk and they had a good stride on them so I figured these belonged to the guy I was looking for. So I started following them. They cut through and kept going northeast, uh, towards the east parking lot and as I was putting that out over the radio, I heard, uh, something, a loud yelling at the north end of the, uh, complex.
RECORD:	Okay, and, uh, let me back up a little bit as why you were running in foot pursuit way or attempting to catch up to the suspects? Did you draw your firearm at some point?
CHRISTIAN:	Not until I had seem them. When I saw them again.
RECORD:	Okay, so at this point, during the foot chase you were, during the foot chase, back up. You saw them?
CHRISTIAN:	I took out my baton and started running out towards them as I was saying, "MIKE there they are," and I came around the corner and I [U/I] the area and at that point I put my baton back away because I didn't see anybody around. Uh, then when I heard the yelling at the north end of the area, I continued going north east towards the east parking lot and the started going north towards Cherry and that's when I saw the two subjects I had seen earlier run around the corner, running through the front yard along Kern, Cherry there. And so, I continued running out towards that way and again I had, my baton was in my hand, my primary hand. Uh, and I was yelling at them, "Police stop where you are. Police stop where you are. Stop moving."
	[Coughing]
CHRISTIAN:	At that point, the one with the hoodie on, he went behind the car that was parked in

	<p>front of the house there and the subject in the white t-shirt hopped over the fence and he started running towards me [U/I] running towards him. Uh, I told him a couple more times stop where you are. Put your hands up. At that point, he reached down to his right hand side and I had started to transition from my baton to my left hand and I see him doing that and [U/I] here we go. So, I go to pull my primary weapon and I'm figuring I'm already behind the curb, I don't want to get shot. I point shoot as soon as I break leather, I shoot, I shoot at him. At that point, he just, I don't know if I hit him or not. He basically stopped but, and he threw his hands up and then I keep telling him to get down on the ground, get down on the ground. He's still, at this point, I'm still walking towards him. This point, I'm walking at him, walking towards him and I just, now I have, now I have a beat on him and I'm telling him to get down on the ground. Get down on the ground and he's saying, I don't know what he's saying. A couple different things. I don't remember what specifically he's saying. Get down on the ground and he's still slow to comply and I tell him make another move like you did, you're going to get shot at this point. I'm looking at him and I don't know where he's headed and I'm also, at that point, he starts to comply and gets down on the ground and then I'm looking around for the other guy. As far as I know he's still looking around for the other guy. As far I know he's still behind the car. Then, uh, I hear Officer ADAMS, it sounds like he's taking the other subject into custody while I was worried about looking around for [U/I]. I had heard Officer ADAMS put out over the radio that, uh, gun shots were fired. Uh, I maintained cover on that subject. He was complying that this point. And then Officer ADAMS walked the other guy that I had seen, uh, and put him down on the ground and Officer ADAMS started to, he did his pat downs and found a, uh, a large hunting knife on the subject I had taken a shot at on his right side and found a syringe, hypodermic legal syringe. Uh, [U/I] I asked him if he was all right. He said, yeah he's fine. And well asking the two other subjects we had detained at this point if they were okay. Don't see any injuries on them and they're saying yeah we're fine, what's going and this and that. Uh.</p>
RECORD:	<p>Okay, let me back up a little bit. When you saw, when you saw the subject reach towards his, you said describe that again if you would because his pocket or his side or</p>

	[U/I]
CHRISTIAN:	Right waist band.
RECORD:	Right waist band area? Okay. Do you know any training or private experience that would indicate to you that's possibly someone who is reaching for a weapon?
CHRISTIAN:	After giving him commands and identifying myself [U/I] being non-complaint is being considered an act of an aggression [U/I].
RECORD:	I believe you said you drew and fired one round [U/I] was that with just the right hand only?
CHRISTIAN:	Correct.
RECORD:	Okay. So you did no bring the gun up to [U/I]
CHRISTIAN:	I still had my baton in my right hand. [U/I] in my left hand and I was approaching, I was still one handed and kept one hand drawn until he was secured.
RECORD:	Okay, did you, was your light activated? I believe, I've examined your gun. There's a light that's attached.
CHRISTIAN:	I don't remember if I activated my light on it or not.
RECORD:	Okay. What was the lighting condition?
CHRISTIAN:	Uh, it was dark. Uh, street lights.
RECORD:	Okay. Uh, did you see anything in the subject's hands? Or did you think you saw anything in the subject's hands?
CHRISTIAN:	I saw him just putting his hand down towards his waistband as he's reaching for, [U/I] I consider, I thought he was reaching for a weapon.

RECORD:	Okay. When you saw a weapon you mean a handgun?
CHRISTIAN:	I don't, could have been a hand gun, because based on the information I had at the time, you know we were told that they were maybe getting guns so I thought I was going to be dealing with a gun.
RECORD:	Okay. Uh, let me look at my questions here a minute. Make sure I'm not forgetting anything. So your light may have been on but you don't remember?
CHRISTIAN:	I don't remember.
RECORD:	Okay.
CHRISTIAN:	That's what I thought you meant.
RECORD:	Okay. Do you think you may have seen the individual's hands well enough that if he had a weapon, you may have seen it or can you really say?
CHRISTIAN:	I wouldn't be able to say for sure. I mean, I'd, I don't know.
RECORD:	Okay. How far away from the subject do you think you were when you fired?
CHRISTIAN:	Uh, at that point, he was moving, I was moving. We had about the length, width of the street between us.
RECORD:	Okay. The individuals that, were they identified, the individuals that, uh, not the primary suspect but the second two individuals? Did you know who they were?
CHRISTIAN:	I did not know. I did not know them. Uh, Officer ADAMS advised the other two that were said to be with the other individual.
RECORD:	Did anyone provide, either Officer ADAMS or anyone else, provide you with any information about these two other individuals, a gang association or affiliations or any involvement in criminal activity?

CHRISTIAN:	Not that I was aware of, no. Other than the initial incident.
RECORD:	Okay. I'm just looking over my notes [U/I]
DUNHAM:	I just want to add, MIKE, do you, uh, the other person that was detained, he did have anything on him? Do you remember?
CHRISTIAN:	I don't remember anything. Uh, [U/I]
DUNHAM:	Okay. Do you remember if he had any beer on him?
CHRISTIAN:	He mentioned he had a beer can that was in his po, back pocket. I don't remember if it was his left or right pocket.
GONZALEZ:	I have a few questions. Do you want me to fire up?
CHRISTIAN:	Please. Go ahead.
GONZALEZ:	Okay, when you first arrived at the scene, you had been advised that, uh, that serious felonies had been committed. At that correct?
CHRISTIAN:	That is correct.
GONZALEZ:	Can you tell us what felonies you believe and been committed at that point?
CHRISTIAN:	273.5, [U/I] suspects into the house, burglary and we had the throwing of the knife, 245.
GONZALEZ:	The knife was found where?
CHRISTIAN:	Uh, she had, uh, pointed it out. It was in the kitchen. I don't remember what type of knife it was. I think the blade was serrated. I was some sort of kitchen knife of some sort.
GONZALEZ:	And where did it land?

CHRISTIAN:	If I remember right, she said that he threw it at her and it stuck in the wall.
GONZALEZ:	So you have the breaking of the door.
CHRISTIAN:	Right.
GONZALEZ:	You have the battery of the woman, of the victim?
CHRISTIAN:	Correct.
GONZALEZ:	You've got, what, an attempt, attempt to kill, attempt to injury with the throwing of the knife?
CHRISTIAN:	Right.
GONZALEZ:	And then you've been told that there's three, three individuals that were present. Is that correct?
CHRISTIAN:	Right.
GONZALEZ:	And that they left to go get, get firearms. Is that correct?
CHRISTIAN:	Right.
GONZALEZ:	And it was, it was believed they were going to return?
CHRISTIAN:	I don't know if they were going to return. The possibility was definitely there but they could return.
GONZALEZ:	Okay. And that was the concern that they were going to return?
CHRISTIAN:	Right.
GONZALEZ:	And was there any indication of any drug use, or alcohol use by the three suspects at that time?

CHRISTIAN:	The victim had mentioned that the primary suspect, she said he was high on something. I don't remember, she [U/I] specific. [U/I] a drug or not. And she pointed out paraphernalia that was discarded out in the front of the apartment and Officer ADAMS took pictures of that and, uh.
GONZALEZ:	What was her emotional state when you were present with her?
CHRISTIAN:	She was upset.
GONZALEZ:	Was she in fear for her life?
CHRISTIAN:	She was concerned for her safety, yes.
GONZALEZ:	And then there was another individual in the apartment, correct?
CHRISTIAN:	Yes.
GONZALEZ:	And it was a male figure?
CHRISTIAN:	Correct.
GONZALEZ:	And the relationship to the woman?
CHRISTIAN:	Friend/roommate.
GONZALEZ:	Roommate. And he spoke to you, correct?
CHRISTIAN:	Right.
GONZALEZ:	And he described the three suspects as well?
CHRISTIAN:	Correct.
GONZALEZ:	And he was in fear for his life and concerned for his safety?

CHRISTIAN:	Uh, he was concerned about them having left to go get firearms and he didn't know, he elaborated on what they're intentions were.
GONZALEZ:	Is it fair to say he was concerned for his safety?
CHRISTIAN:	Yeah.
GONZALEZ:	Or concerned for her safety?
CHRISTIAN:	Yes.
GONZALEZ:	He had witnessed violent acts?
CHRISTIAN:	Yes.
GONZALEZ:	Uh, you're mental state at that point is...we're dealing with that kind of individual?
CHRISTIAN:	Violent individuals that, uh, aren't, won't let a bolted door stop them from doing what they want to do.
GONZALEZ:	Potentially armed with a deadly weapon?
CHRISTIAN:	Correct.
GONZALEZ:	In a possibly drug induced state?
CHRISTIAN:	Yes.
GONZALEZ:	And they had just immediately committed serious felonies?
CHRISTIAN:	Yes.
GONZALEZ:	Okay. With that, you're on high alert? Correct?
CHRISTIAN:	Yes, sir.

GONZALEZ:	You're scanning. You're scanning the area for their return?
CHRISTIAN:	Yes.
GONZALEZ:	Okay, upon seen them, what, how do you respond? You see them and they see you. What do they do?
CHRISTIAN:	They take off running and..
GONZALEZ:	And what is that a sign of? The running.
CHRISTIAN:	Guilt.
GONZALEZ:	It's a sign of guilt.
CHRISTIAN:	Or involvement in what's going on.
GONZALEZ:	And with the intent to, uh, run away, right?
CHRISTIAN:	Right.
GONZALEZ:	[U/I]
CHRISTIAN:	[U/I]
GONZALEZ:	Okay. So you take pursuit, right. You repeat commands for them to stop. Correct?
CHRISTIAN:	When I initially started running after them, the distance between us, I didn't start yelling at them at that point. Then I hadn't yelled anything with I came around the corner, they were gone. So I was in search mode.
GONZALEZ:	Okay, at some point, when you get close enough, you tell them to.
CHRISTIAN:	Yes. I started giving direction to them when I was in the east parking lot coming towards them I started and saw them running through the front yard there. I was yelling

	at them, identified myself as a police and told them to stop.
GONZALEZ:	And you're in regular service uniform?
CHRISTIAN:	Yeah.
GONZALEZ:	You've got your badge on?
CHRISTIAN:	I've got my badge on.
GONZALEZ:	Your patch?
CHRISTIAN:	My patch and my token cowboy hat on.
GONZALEZ:	And you, you state your commands repeatedly?
CHRISTIAN:	Yes.
GONZALEZ:	Clearly?
CHRISTIAN:	Yes.
GONZALEZ:	Loud?
CHRISTIAN:	Yes.
GONZALEZ:	Okay, and approximately how many times did you repeat the commands?
CHRISTIAN:	Less than four times.
GONZALEZ:	Okay. And uh, those first four commands, did they ever, did they ever respond to you? Respond appropriately to them?
CHRISTIAN:	No.
GONZALEZ:	They ignored your commands?

CHRISTIAN:	Yes.
GONZALEZ:	And then at some point, the man in the white t-shirt comes running towards you. Charging towards you. Is that correct?
CHRISTIAN:	Correct.
GONZALEZ:	Aggressive manner?
CHRISTIAN:	Running towards me, yes.
GONZALEZ:	And he's reaching for something on his side. Correct?
CHRISTIAN:	Yes.
GONZALEZ:	And you [U/I] that to be a gun?
CHRISTIAN:	Yes.
GONZALEZ:	And at that time were you in fear for your life?
CHRISTIAN:	Yes.
GONZALEZ:	Did you think you responded appropriately for the conduct conducted by this person that you believed was armed and dangerous and had just committed serious felonies?
CHRISTIAN:	Yes.
GONZALEZ:	And was there any other reason why that shot was fired?
CHRISTIAN:	No.
GONZALEZ:	You, you're going, I'm in trouble, this guy is attacking me, I'm going to fire a shot. Is that correct?

CHRISTIAN:	Yes.
GONZALEZ:	That night, it's dark, right?
CHRISTIAN:	Yes.
GONZALEZ:	Is it pitch dark? You know sometimes the moon will, you know, still be pretty bright or how was it that night?
CHRISTIAN:	I'm accustomed to working in the dark. I've worked in growing grapes for several years so I, it wasn't, I couldn't, it wasn't that I, I could see pretty well for the setting.
GONZALEZ:	You could see the outline of him?
CHRISTIAN:	Yes.
GONZALEZ:	Could you see his face and his demeanor?
CHRISTIAN:	Um, I would say I would be able to see his facial expressions [U/I] primary, when I first saw him. His, my actions were based on his actions of his body that he did.
GONZALEZ:	And it's pretty dark? Okay. Let's see. Some of my other questions is you pulled out your baton, right, early in the chase. Is that correct?
CHRISTIAN:	Yes.
GONZALEZ:	You did that because you were concerned for your safety?
CHRISTIAN:	It's a defensive weapon and it's also [U/I] when you start running. Don't want to be tripping over it so [U/I] I was trained that when we're running and we have a baton, you take it out and you run with it.
GONZALEZ:	Okay, after you fire the shot, you tell him to get down on the ground. Correct?

CHRISTIAN:	Yes.
GONZALEZ:	And he doesn't comply. Right?
CHRISTIAN:	No.
GONZALEZ:	Not initially?
CHRISTIAN:	No.
GONZALEZ:	How many times did you have to tell him to get down on the ground?
CHRISTIAN:	Two or three times then he started getting down.
GONZALEZ:	So initially he's not responsive, right?
CHRISTIAN:	Right.
GONZALEZ:	He kept.
CHRISTIAN:	He keeps his hands right. He did keep his hands up.
GONZALEZ:	He slowed to comply. Correct?
CHRISTIAN:	Right.
GONZALEZ:	You were told that there's three, three suspects. Correct?
CHRISTIAN:	Right. But I only saw two.
GONZALEZ:	During this encounter were you concerned for the third? That the third guy may be out there?
CHRISTIAN:	I don't remember being concerned for the third guy because I only saw the two.

GONZALEZ:	You were concerned about the second?
CHRISTIAN:	I was concerned for the second guy once I had the first guy under control. [U/I]
GONZALEZ:	He could have, your concern, describe your concern. Why were you concern [U/I].
CHRISTIAN:	As far as I know he's still behind the car. I don't know if he's going to come popping up ready to go, uh, try to come around and take me out to get his buddy away from him. And, uh, I didn't relax until I heard Officer ADAMS give commands to that subject and dealing with him.
GONZALEZ:	And your thought process was that he could be armed as well?
CHRISTIAN:	Yes.
GONZALEZ:	That's all I got.
RECORD:	Okay. After, well let me back up. Uh, you fired the one shot.
CHRISTIAN:	Right.
RECORD:	Why did you not fire any follow up shots?
CHRISTIAN:	Instantaneous, one shot and he was doing like this. And his hands were back up, so I did not.
RECORD:	So after you fired the shot he was not longer reaching?
CHRISTIAN:	He was no longer reaching.
RECORD:	For anything. Okay. In your training and experience, have you found that it is common for gang members and criminals to carry weapons in their waist band or in their pockets?

CHRISTIAN:	Yes.
RECORD:	Okay. And did you fire at him because you believe he was reaching for such a weapon?
CHRISTIAN:	Yes.
RECORD:	Okay.
DUNHAM:	Take a break if you want.
RECORD:	[U/I]
DUNHAM:	Ending at.
RECORD:	Let see, we're, it's about 2:40 according.

Kern County Sheriff's Office Transcription

Case#: 15-06-0713

Participants:

Neil Record, Michael Christian,
Jason Dunham Chris Gonzalez

Transcriber/Translator:
Reviewed by:

Mariana Arana
Jason Dunham

DIRECTION	TRANSCRIPTION
RECORD:	Okay, we're back recording again and according to my watch, it's 2:46 pm. I only have two more questions. You said you didn't have your gun in your hand when you were running during the foot chase?
CHRISTIAN:	Correct. The initial.
RECORD:	Okay and you immediately, in other words, you didn't draw and hesitate were your finger could have been on the trigger and you could have fired accidentally? It was an intentional shot?
CHRISTIAN:	Yes.
RECORD:	Okay, so it was intentional?
CHRISTIAN:	Yes.
RECORD:	Okay. I don't have any other questions. Do you have anything that you'd like to say to

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Reviewed by:

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	add to the interview?
GONZALEZ:	Uh, we were discussing whether this was gang related? So if you have information to that effect?
CHRISTIAN:	I do recall [U/I] taking pictures of graffiti that was on the victim's door and also on the fire extinguisher that's directly outside her door and I recall her saying I don't remember what specifically. She was calling them all kinds of names. [U/I] the guys that hang out with him are the ones that put the graffiti on the door, [U/I] primary suspect. I don't remember what the specific graffiti was on the door.
DUNHAM:	Was it Tehachapi Locos?
CHRISTIAN:	Could be. I don't recall.
GONZALEZ:	It was something in relation to the number 13.
CHRISTIAN:	Uh, I may have been mistaken [U/I]
GONZALEZ:	Do you want to share with them what you told me 13 to be [U/I] my recollections M is the 13 and has to do with the Mexican Mafia.
RECORD:	I'm not an expert on gangs so don't ask me.
CHRISTIAN:	So.
RECORD:	Okay so there was potentially in your mind, there's gang activity connected to this location.
CHRISTIAN:	Yes.
RECORD:	So in your mind you think that all the players that were dealing with are either gang members or associates of gang members?

CHRISTIAN:	Yes.
RECORD:	Okay, and that [U/I] your decision?
CHRISTIAN:	Yes.
RECORD:	Okay.
GONZALEZ:	Nothing further.
DUNHAM:	No? I don't have anything. You'll explain to him what my [U/I] I had all my questions answered.
GONZALEZ:	[U/I]
RECORD:	[U/I]
DUNHAM:	That's it.
RECORD:	It is 2:49.
DUNHAM:	Okay.
RECORD:	2:49.

